

REMARKS/ARGUMENTS

In the final Office Action mailed August 27, 2007, claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over WO 01/39222 to James et al. ("James") in view of U.S. Patent No. 4,853,690 to Mayer et al. ("Mayer"). The Applicant respectfully traverses the rejection. By this Response, claim 1 has been amended to recite the following:

A device for a safety system for an installation, comprising:

a plurality of detectors placed in or adjacent to a habitat in which equipment that carries out work on an object inside the habitat results in heat generation that is isolated from the surroundings outside of the habitat, and where an overpressure of air is set up inside the habitat to prevent ingress of flammable gases, the overpressure of air from a compressed air source, the detectors adapted to register the overpressure of air inside the habitat;

an alarm system that can warn of irregularities; and

a mobile shut-down central unit to which the detectors and the alarm system are electrically connected, the mobile shut-down central unit comprising a computer unit to set the overpressure for surveillance of the habitat, and the mobile shut-down central unit is arranged to control the power supply to the heat generating equipment inside the habitat.

Claims 1-7 and 9-11 have been amended in accordance with the related application in Great Britain, now issued GB Patent No. 2,408,370. The amendments are supported at least by paragraphs [0001], [0014], [0021] and [0027]-[0029] of the application specification. Paragraph [0030] has been amended for grammatical purposes. No new matter has been added.

The Office Action of August 27, 2007 contends that James discloses a plurality of detectors to detect abnormal conditions and pressures, including an emergency shutoff for fires, earthquakes and gas leaks. However, James does not teach or suggest every feature of amended claim 1. James does not disclose at least an overpressure of air set up inside a habitat to prevent

ingress of flammable gases, where the detectors are adapted to register the overpressure of air inside the habitat. Rather, James discloses detectors in relation to a home or other point of use with a flammable gas (not air) supply and relates to safety issues regarding gas leaks from the gas plumbing system at or near the point of use. (See page 14, final paragraph, of James). Indeed, as recognized by the Examiner, James does not disclose a habitat in which an overpressure of air is set up to prevent ingress of flammable gases. James does not disclose “a mobile shut-down central unit to which the detectors and the alarm system are electrically connected, the mobile shut-down central unit comprising a computer unit to set the overpressure for surveillance of the habitat, and the mobile shut-down central unit is arranged to control the power supply to the heat generating equipment inside the habitat” as claimed in amended claim 1. In contrast to amended claim 1, James is supplying flammable gas via plumbing from a flammable gas source to a point of use and is directed to monitoring flammable gas leaks in that plumbing.

By using the claimed mobile shut-down central unit, the installation of habitats, such as welding, grinding, cutting and sandblasting habitats for offshore oil platforms where flammable hydrocarbon gases can be present, has been made dramatically more efficient and time-saving. *See e.g.*, paragraphs [0004], [0028] and [0030] of the specification for the present invention. As noted in paragraph [0030] of the specification for the present invention:

[0030] The shut-down central 30 is ~~of~~ lightweight so that it is easy for a few people to mount all the sensors at the right places. In total, the whole system according to the invention, is very mobile, and can easily and quickly be moved around on an installation. The complete connecting-up of the equipment can be done very quickly.

Mayer does not remedy the deficiencies of James. The Office Action alleges that Mayer discloses a device for tracking/securing an area by monitoring air pressure/overpressure and activating an alarm, citing Col. 1, lines 6-22 and the Abstract of Mayer. Mayer, however, teaches away from using an overpressure alarm system by pointing out that it is inactive during power failures and is susceptible to malfunction when there are strong external air movements. “A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). Mayer clearly discourages one of skill in the art from employing an overpressure alarm system, and therefore teaches away from such a concept.

Mayer is directed to a system wherein air passage resistance is measured and an alarm is actuated upon a significant change, e.g., the opening of a door or window, and activating an alarm. See Col. 2, lines 21-24 of Mayer. Mayer’s disclosure is completely unrelated to the prevention of the ingress of flammable gases and the control of power supply and air supply to heat generating equipment inside a habitat when ingress of flammable gas into a habitat has occurred or may occur. Indeed, as noted above, Mayer teaches away from using an overpressure alarm system.

Like James, Mayer does not disclose “a mobile shut-down central unit to which the detectors and the alarm system are electrically connected, the mobile shut-down central unit comprising a computer unit to set the overpressure for surveillance of the habitat, and the mobile

shut-down central unit is arranged to control the power supply to the heat generating equipment inside the habitat."

Given the fact that Mayer teaches away from overpressure being generated and maintained in a monitored space/area, it would not have been obvious to one of ordinary skill in the art at the time of the present invention to modify James to generate an overpressure of air from a compressed air source and have a mobile shut-down central unit comprising a computer unit to set the overpressure [of air from the compressed air source] for surveillance of the habitat as claimed in amended claim 1.

There is no suggestion to combine James and Mayer as advanced in the Office Action, except using applicant's invention as a template through a hindsight reconstruction of Appellant's claims. There is no evidence or suggestion in the cited art of the device claimed in amended claim 1. Moreover, the Office Action has not provided any evidence that it was conventional for one having ordinary skill in the art of emergency gas and electricity control/shutoff, such as during seismic events, fires, and leaks in a natural gas plumbing to a home or other point of use (i.e., the art of James) to look to the art of security systems directed at detecting the wrongful opening of a window or door (i.e., the art of Mayer), to provide a safety system for an installation in which equipment that carries out work on an object inside the habitat of the installation results in heat generation that is to be isolated from flammable gases outside of the habitat (i.e., the art of the present invention).

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning

to support the legal conclusion of obviousness.” *In re Kahn*, 431 F.3d 977, 988 (Fed. Cir. 2006), cited with approval in *KSR v. Teleflex*, 550 U.S.____, 82 U.S.P.Q.2d 1385, 1396 (2007). The Office Action does not provide articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness.

In sum, amended claim 1 is patentable over James in view of Mayer. Claims 2-11 depend from claim 1 and are patentable over James and Mayer for at least the same reasons as amended claim 1 and for the additional features recited therein. The Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection.

Conclusion

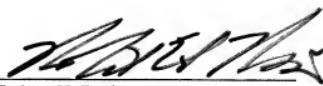
All objections and rejections having been addressed, Applicant respectfully submits that the application is in condition for allowance, and respectfully requests prompt notification of the same. Should it be deemed necessary to facilitate prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted,

BANNER & WITCOFF, LTD.

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